LIBEL AND SLANDER—ABSOLUTE PRIVILEGE—JUDICIAL PROCEEDINGS.—Defendants caused to be signed and presented to a police justice a petition asking that plaintiff and his wife be required to vacate the premises where they resided on the ground that they were "disturbers of the peace, quarrelsome and a general nuisance to the peaceful citizens about them." It did not appear that the police justice directed the preparation of the petition. *Held,* that the statements made in the petition were absolutely privileged so far as the proceeding before the justice was concerned. *Flynn* v. *Boglarsky* (1911), — Mich. —, 129 N. W. 674.

From motives of public policy the law recognizes certain communications or publications as privileged. *Atlanta News Pub. Co.* v. *Medlock,* 123 Ga. 714, 51 S. E. 756. As a general rule, libelous or slanderous matter published in the due course of a legal proceeding is absolutely privileged and will not support an action for defamation, although made maliciously. *Burdette* v. *Argile,* 94 Ill. App. 171. This privilege, however, attaches only to such matter as is pertinent and material to the subject of the inquiry; *McLaughlin* v. *Cowley,* 127 Mass. 316; and within the jurisdiction of the court, *Rainbow* v. *Benson,* 71 Iowa 301, 32 N. W. 352. It was urged in the principal case that the petition was not such a paper or pleading as had any place in the files of the court to whose presiding officer it was addressed, and not such as he could act upon, and therefore did not come within the rule stated above; but the court held that to be too narrow a view, refusing so to abridge the right of a citizen to make a complaint before a magistrate. It has been held that an unverified communication written to a justice, merely purporting to state a rumor, and suggesting an investigation, was not privileged as a statement made in the course of a judicial proceeding, *Miller* v. *Nuckolls,* 77 Ark. 64, 91 S. W. 759, 4 L. R. A. (N. S.) 149, 113 Am. St. Rep. 122; but the decision of the Michigan court in the principal case would seem to be the correct one where the misconduct is directly charged and the magistrate has jurisdiction over the matter concerning which the complaint is made.

PARENT AND CHILD—MAY PARENT AUTHORIZE AGENT TO "KIDNAP" CHILD?—Defendant Brandenberg was indicted for kidnapping, under Rev. St. 1909, § 4489, which makes it a crime to entice a child under 12 from the person having lawful charge thereof. In defense he set up that he was the child's stepfather, and took the child by authority of her mother. The mother had left her former husband, taking the child with her, and had obtained a divorce in the West Indies, and married defendant. She had been forced by poverty to return the child to the father's custody, but had exacted his promise to give her back when the mother should be able to provide proper support. *Held,* even if the mother had the right to entice away the child (which the court did not decide) she could not delegate such right, and authority to act as her agent was no defense. *State* v. *Brandenberg* (1911), — Mo. —, 134 S. W. 529.

A parent cannot be guilty of kidnapping a child, of which, as between the parents, he has the right of custody. *Biggs* v. *State,* 13 Wyo. 94, 77 Pac. 901; *Burns* v. *Comm.,* 129 Pa. St. 138, 18 Atl. 756; *Hunt* v. *Hunt,* 94 Ga. 257,